

# Decision-making, Compliance & Enforcement in the sentencing and release phase

Working Group on decision-making  
Athens, 17th April 2015

**Offender Supervision  
in Europe**  
COST Action IS1106

 **cost**  
EUROPEAN COOPERATION  
IN SCIENCE AND TECHNOLOGY

# Gaps according to OSE book chapter

- Research located in only a few countries: England& Wales, Scotland, Spain, Belgium, the Netherlands,
- Very little research on the decision-making *process* itself
- Breach/revocation are under-researched topic

# Two pathways

- Intensify research on the national level, in particular in countries where empirical information is lacking at the moment
  - Transfer of successful research strategies/ designs to different countries
- Designing real comparative research designs and projects

# Pilot project on breach- processes

Aim: to design a methodology that makes it possible to compare breach processes in different jurisdictions and assess causes and consequences of the differences

# Terminology

## Breach:

- non compliance of the offender?
- The interpretation of non-compliance of the offender by the probation officer?
- The decision following non compliance?
  - Enforcement?
  - Revocation?

# Research topic

The decision-making process following the (perceived) non-compliance of the offender that can result in terminating, altering or keeping the order

# Main Question

Main Question: How do differences in legal procedure and culture influence decision-making following non-compliance

# Research Questions

- what are the legal criteria?
- what parties are involved?
- how do parties interact?
- what factors influence the dm (offender, decision-makers, organisational)?
- how much leeway for discretion?
- what is the role of public opinion?



# Method

- Vignettes (small case descriptions) we used as a basis for our conversations with direct supervisors, probation officers and judges
- Two vignettes (sentencing and release)
- Three violations
- Three parties involved in the dm-process

# Vignette

- John is 22 years old unemployed man who has been convicted of Assault (mid-level) of another man outside a nightclub at 2 am in the morning. The victim was taken to hospital but was discharged a few hours later. John has three previous convictions but has never been sentenced to prison. John was sentenced to a community service of 120 hours (*half of the maximum hours appropriate in the country of research*).

# Violation 1

John is one quarter the way through his order when he fails to show up one day.

# (Some) Questions

- What is a credible/acceptable excuse?
- What options are open?
- What options are suitable for the defendant here?
- Would you decide to apply for/recommend a breach for John?
- If yes, what factors would influence your decision?

# Violation 3

John turns up for work but he doesn't do the work as instructed. He spends more time talking, laughing and smoking and generally being disruptive than engaging in the task.

# (Some) Questions

- What options are open?
- What options are suitable for the defendant here?
- Would you decide to apply for/recommend a breach for John?
- If yes, what factors would influence your decision?